CF1002

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (S) No. 5858 /2006

PETITIONER :: Shiv Kumar Gayakwad, S/o. Shri Khorbahra Ram, aged about 37 years, Occupation Assistant Teacher- Primary School Kothigaon, Block Chhura, District Raipur, R/o. Village and Post Kandinghi, Block Chhura District Raipur (C.G.)

P.R. No. 5021/06
Presented by Shri Uma Patel
dated 12/9/06

VERSUS

RESPONDENTS :1) State Of Chhattisgarh, Through Secretary, Tribal Welfare, DKS Bhavan, Raipur (C.G.)

:2) Assistant Commissioner, Department Of Tribal Welfare, Raipur (C.G.)

:3) The Block Education Officer Chhura, District Raipur (C.G.)

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CG-287/BSP/07
10/05/07
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLES 226/227
OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 5059/2006

Petitioner : Dinesh Kumar Lahri

Versus

Respondents : State of Chhattisgarh & others

W. P.(S) No. 5058/2006

Petitioner : Shiv Kumar Gayakwad

Versus

Respondents : State of Chhattisgarh & others

W. P.(S) No. 5062/2006

Petitioner : Pradeep Kumar Jatwar

Versus

Respondents : State of Chhattisgarh & others

W. P.(S) No. 5063/2006

Petitioner : Ramgopal Nagwanshi

Versus

Respondents : State of Chhattisgarh & others

And

W. P.(S) No. 5089/2006

Petitioner : Sukalha Das Khunte

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Hamida Siddique, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

O R D E R

(18th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By these petitions under Article 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.

(50)

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (NemSingh Thakur and others Vs. State of Chhattisgarh & others) and submits that the petitioners are similarly situated, therefore the similar order may be passed.
3. The present writ petitions, being Writ Petitions No. 5059/2006, 5058/2006, 5062/2006, 5063/2006 and 5089/2006, involve identical facts and common question of law. Thus, these petitions are being disposed of by this common order.
4. The cases of the petitioners are that they were appointed as Assistant Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years tenure the petitioners were regularized but they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated Assistant Teachers but the respondents have not paid any heed. Thus,this petition.
5. Learned counsel appearing for the State/respondents submits that the difference between the Upper Division Teacher and Assistant Teacher is that the fixed salary of the Assistant Teacher was Rs. 1200/- p.m. and that of Upper Division Teacher was Rs. 1400/- p.m. The process of selection and period of probation was one and the same.
6. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioners and the same pay scale which have been sanctioned to other similarly situated teachers on the basis of the order dated 31.3.2000 of the State Administrative Tribunal, to which learned State counsel has no objection.

(31)

7. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all their grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioners stand on the same footings, as the petitioners in the O.A. No. 1452/98 then they be also sanctioned the same pay scale and seniority.

8. These writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur